

22-3-A. Administrative Enforcement Actions (1200 TN 350 22-3-A)

1. AUTHORITY. To take any administrative enforcement action under the Emergency Planning and Community Right-to-Know Act (EPCRA) including, but not limited to: designating representatives of the Administrator to conduct inspections, and issuing compliance orders, complaints or other notices, and subpoenas.

2. TO WHOM DELEGATED.

- a. All enforcement action authorities relating to Sections 302, 303, 304, 311, 312, 322, and 323 of EPCRA are delegated to Director, Enforcement and Compliance Assurance Division (ECAD); and Chief, Data, Support and Prevention Branch, ECAD.
- b. All enforcement action authorities relating to Sections 313, 322, 323 of EPCRA are delegated to Director, ECAD; Chief, Air, RCRA and Toxics Branch, ECAD; and Chief, Toxics Section, ECAD.
- c. Authority to conduct inspections and to issue Notices of Noncompliance (NONs) for Section 313 are delegated to the Director, ECAD; Chief, Data, Support and Prevention, ECAD; and Chief, Air, RCRA and Toxics Branch, ECAD.
- d. Authority for Notices of Noncompliance (NONs) for violations of Sections 302, 303, 304, 311, 312, 322, and 323 are delegated to the Director, ECAD; Chief, Air, RCRA and Toxics Branch, ECAD; and the Chief, Data, Support and Prevention Branch, ECAD.

3. LIMITATIONS

- a. The delegates must consult with the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA) or designee, before exercising this authority, unless such consultation is waived by memorandum.
- b. The delegates must consult with the Regional Counsel or his/her designee before exercising this authority.
- c. The AA/OECA may exercise this authority and must notify the appropriate Regional Administrator and the Assistant Administrator for the Office of Chemical Safety and Pollution Prevention or designee when exercising this authority.

4. REDELEGATION AUTHORITY.

- a. These authorities may not be redelegated without formal amendment.

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- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. EPCRA Section 325.

6. SUPERSESSION. Delegations Manual, EPCRA, Regional Delegation 22-3-A. Administrative Enforcement Actions, 1200 TN RIII 207 (April 15, 2019).

Date: 12.17.2019


Cosmo Servidio
Regional Administrator